

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

ANTONIO KELLEY,

Plaintiff,

v.

Civil Action No. 3:16CV808

CORIZON, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on October 21, 2016, the Court conditionally docketed the action. At that time, the Court directed Antonio Kelley to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Kelley that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Kelley has not complied with the order of this Court. Kelley failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Kelley.

It so ORDERED.

/s/ *REP*

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Robert E. Payne  
Senior United States District Judge

Date: November 28, 2016  
Richmond, Virginia